

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

STEPHANIE SAMSON  
TX-1338404-R

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COMPLAINT NOS. 11-045 and 11-136

**AGREED FINAL ORDER**

On the \_\_\_\_ day of \_\_\_\_\_ 2012, the Texas Appraiser Licensing and Certification Board (the "Board") considered the matter of *Texas Appraiser Licensing and Certification Board vs. Stephanie Samson*, Complaint Nos. 11-045 and 11-136, concerning the real estate appraisal certification of Stephanie Samson, (the "Respondent"). The Board now makes the following findings of fact and conclusions of law and enters the Agreed Final Order (the "Order").

In order to conclude this matter, the Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in the Order. The Board makes the following findings of fact and conclusions of law and enters the Order in accordance with Texas Occupations Code Section 1103.458:

**FINDINGS OF FACT**

1. Respondent is a State of Texas certified residential real estate appraiser and has been licensed or certified by the Board during all times material to the complaints.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, Texas Occupations Code Chapter 1103 (the "Act"), the rules of the Board, 22 Texas Administrative Code Sections 153, 155, and 157 (the "Rules"), and the Uniform Standards of Professional Appraisal Practice ("USPAP"), in effect at the time of the appraisals.
3. On or about July 12, 2010, the Respondent appraised real property located at 898 Harpole, Argyle, Texas 76226 (the "Argyle Property").
4. On or about July 1, 2010, the Respondent appraised real property located at 4905 El Campo Avenue, Fort Worth, Texas 76107 (the "Fort Worth Property").
5. The Argyle Property and the Fort Worth Property may be referred to collectively as the "Properties."
6. On or about July 12, 2010, the Respondent documented the appraisal of the Argyle Property in the form of a Uniform Residential Appraisal Report dated July 12, 2010 (the "Argyle Appraisal Report").

7. On or about July 1, 2010, the Respondent documented the appraisal of the Fort Worth Property in the form of a Uniform Residential Appraisal Report dated July 1, 2010 (the "Fort Worth Appraisal Report").

8. The Argyle Appraisal Report and the Fort Worth Appraisal Report may be referred to collectively as the "Appraisal Reports."

9. On or about September 30, 2010, a complaint was filed with the Board based on allegations the Respondent's Argyle Appraisal Report did not comply with USPAP (the "Argyle Complaint").

10. On or about November 20, 2010, a complaint was filed with the Board based on allegations the Respondent's Fort Worth Appraisal Report did not comply with USPAP (the "Fort Worth Complaint").

11. The Argyle Complaint and the Fort Worth Complaint may be referred to collectively as the "Complaints."

12. On or about October 7, 2010, the Board, in accordance with the Administrative Procedure Act (the "APA"), Texas Government Code Annotated Chapter 2001, and the Act, notified Respondent of the nature of the accusations involved in the Argyle Complaint and Respondent was afforded an opportunity to respond to the accusations in the Argyle Complaint. Respondent's response to the Argyle Complaint was received on October 27, 2010.

13. On or about November 30, 2010, the Board, in accordance with the APA, Texas Government Code Annotated Chapter 2001, and the Act, notified Respondent of the nature of the accusations involved in the Fort Worth Complaint and Respondent was afforded an opportunity to respond to the accusations in the Fort Worth Complaint. Respondent's response to the Fort Worth Complaint was received on December 30, 2010.

14. Respondent violated Texas Occupations Code Section 1103.405, 22 Texas Administrative Code Sections 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to the version of USPAP in effect at the time of the Appraisal Report:

- a) Respondent failed to comply with the ethics and record-keeping provisions of the Ethics Rule;
- b) Respondent failed to adequately identify and report improvement(s) description;
- c) Respondent failed to consider and report easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances and/or other items of a similar nature;
- d) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply & demand, and physical adaptability of the real estate and market area trends;

- e) Respondent failed to adequately collect, verify, analyze, and reconcile comparable sales data;
- f) Respondent failed to correctly employ recognized methods and techniques; and
- g) Respondent failed to comply with USPAP in rendering appraisal services that were not in a careless or negligent manner.

15. Respondent omitted material facts and made material misrepresentations in the Appraisal Reports of the Properties, as detailed above.

16. The parties entered into the Order in accordance with Texas Occupations Code Section 1103.458.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act, Tex. Occ. Code §§ 1103.451-1103.5535.

2. Respondent violated numerous and specific provisions of USPAP, as prohibited by Texas Occupations Code Section 1103.405 and 22 Texas Administrative Code Sections 155.1(a) and 153.20(a)(3).

3. Respondent violated 22 Texas Administrative Code Section 153.20(a)(9) by making material misrepresentations and omitting material facts.

Based on the above Findings of Fact and Conclusions of Law, the Board **ORDERS** that the Respondent shall:

- a) Complete 5 hours of mentorship with a Board approved mentor within thirty (30) days of the effective date of this Order and submit a completed mentorship affidavit to the Board (the "Mentorship");
- b) Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c) Attend and complete a minimum, 7 classroom-hour course in *Staying out of Trouble*;
- d) Attend and complete a minimum, 14 classroom-hour course in Residential Appraiser Site Valuation and Cost Approach;
- e) Attend and complete a minimum, 14 classroom-hour course in Residential Report Writing and Case Studies; and,
- f) Comply with all future provisions of the Act, the Rules and USPAP, or be subject to further disciplinary action.

**THE MENTORSHIP** shall be completed within **THIRTY (30) DAYS** of the effective date of this Order (the "Mentorship Deadline"). Respondent's failure to complete the Mentorship **WITHIN THE MENTORSHIP DEADLINE** shall result in the **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has failed to comply with the terms of the Order. Said suspension shall remain in effect until such time as Respondent has completed the Mentorship.

**ALL CLASSES** required by the Order must be classes approved by the Board and must be completed within **EIGHTEEN (18) MONTHS** of the date of the Order (the "Order Deadline"). Documentation of attendance and successful completion of the educational requirements of the Order shall be delivered to the Board on or before the Order Deadline. None of the classes or seminars required by the Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of the Order.

Failure to comply with the terms of the Order **WITHIN THE ORDER DEADLINE** shall result in the **IMMEDIATE REVOCATION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has failed to comply with the terms of the Order.

**ANY SUCH REVOCATION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.** Respondent shall be notified of any such revocation by certified mail, return receipt requested, to the last known address as provided to the Board.

Respondent, by signing the Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of the Order. Information about the Order is subject to public information requests and notice of the Order will be published on the Board's web site.

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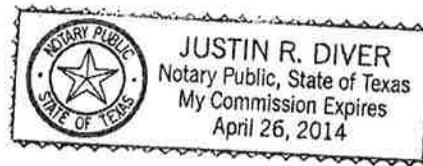
THE DATE OF THE ORDER shall be the date as executed by the Chairperson of the Board. The Chairperson has been delegated the authority to sign the Order by Board vote.

Signed this 23 day of March 2012.

Stephanie Samson  
STEPHANIE SAMSON, RESPONDENT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 23<sup>rd</sup> day of March 2012, by STEPHANIE SAMSON, RESPONDENT, to certify which, witness my hand and official seal.

Justin R. Diver  
Notary Public Signature  
Justin Diver  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division on the 22 day of MARCH 2012.

Mark J. Mrnak  
Mark J. Mrnak, Director of Standards and Enforcement Services  
Texas Appraiser Licensing and Certification Board

Signed by the Commissioner of the Board on the 18 day of May 2012.

Douglas E. Oldmixon  
Douglas E. Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed on the 18 day of May 2012.

Luis De La Garza  
Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board